

Notice of Allowability

Application No.

09/815,632

Examiner

Brian R. Gordon

Applicant(s)

BURGARELLA ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8-31-06.
2. ☒ The allowed claim(s) is/are 1-2, 4-5, 7-15, 17-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph F. Haag on November 8, 2006.

The application has been amended as follows:

Amend the claims as follows:

7. The system of claim 2, wherein the positional repeatability error from subsequent mounting and replacing is less than 50 μm and/or 5 milliradian.
12. The system of claim 1, wherein the positional repeatability error from subsequent mounting and replacing is less than 50 μm and/or 5 milliradian.
14. A microarray spotter including a printhead, a bracket, and a semi-kinematic mounting system between the printhead and the bracket, the mounting system being sufficiently precise to provide repeatable accuracy within 50 microns along the three translational axes, wherein the mounting system includes three hardened ball mounts rigidly mounted on one or both of the bracket and printhead, wherein each of the ball mounts contacts two linear, hardened dowel pins fitted in one or both of the bracket and printhead to constrain the printhead with respect to the bracket in six degrees of freedom, wherein, after initial placement on the bracket, the printhead can be removed and replaced without requiring further calibration.

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17. A microarray spotter including a printhead, a bracket, and a semi-kinematic mounting system between the printhead and the bracket, the printhead ~~for~~ holding dispensers for dispensing liquid onto an array with wells, wherein said dispensers are no more than about 9mm apart, the mounting system being a including three ball mounts in one of the printhead or bracket, each ball mount contacting two dowel pins in the other of the printhead or bracket to constrain the printhead with respect to the bracket in six degrees of freedom to provide sufficient locational accuracy so that the printhead can be repeatedly removed and replaced from the bracket without requiring further calibration.

18. The microarray spotter of claim 17, wherein the dispensers ~~wells~~ are no more than about 4.5 mm apart.

Allowable Subject Matter

2. Claims 1-2, 4-5, 7-15, 17-18 allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'BRG', with a long horizontal flourish extending to the right.

brg

BRIAN R. GORDON
PRIMARY EXAMINER